IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2102 OF 2004

Vaibhav Ramesh Jangam ..Petitioner

Vs.

Kaluram Tulsiram Bagul & Anr. ..Respondents

Mr.P.N.Joshi for the Petitioner.
Mr.M.S.Karnik for Respondent No.1.
Mrs.M.P.Thakur, A.G.P. for Respondent No.2.

CORAM :- B.H.MARLAPALLE &
NARESH H.PATIL,JJ.

DATE : 13TH OCTOBER, 2006

P.C.

1. Heard Mr.Joshi, the learned Counsel for the Petitioner, who claims to belong to the "Beda Jangam" (Scheduled Caste) and the certificate to that effect came to be issued by the Tahsildar and the Executive Magistrate, Kalwan, District Nashik. His claim of belonging to Scheduled Caste was referred for verification to the Scrutiny Committee and by the decision dated 6th September,2003, the Committee of three members was pleased to reject the Petitioner's claim.

2. The Petitioner submitted before the Committee in all 16 documents and the Committee found that the documents at Serial Nos.1,3 and 12 to 16 carried more evidential value, as they were in respect of the Petitioner's father, uncle and grandfather etc.

Whereas all other certificates viz. certificate at Serial Nos.2 and 4 to 11 were found to be unreasonable.

3. The "Beda Jangam" caste was declared as Scheduled Caste in the Presidential Order of 1950 and restrictions were imposed by the Presidential Order 1956. The said area restrictions came to be removed by the Scheduled Castes and Scheduled Tribes Order Amendment Act,1976. Consequently the Government of Maharashtra issued a notification some times in the year 1985 that the "Beda Jangam" caste falls within the Scheduled Caste throughout the State of Maharashtra. All the documents at Serial Nos.2 and 4 to 11 pertain to the period after 1976 and it is obvious that after the area restrictions were removed and informed by the Government of Maharashtra by Government Resolution in the year 1985, the Petitioner and her relatives started obtaining caste certificates as belonging to "Beda Jangam". Whereas the certificates at Serial No.1, which is a school leaving certificate pertains to the father of the Petitioner issued in favour of the Petitioner’s father, shows that he was born on 3rd March,1947 and was admitted in the school on 1st June,1961. The school record indicated his caste as "Jangam". The certificate at Serial No.3 was in respect of the Petitioner’s cousin Bharat and it shows that when he was admitted in the school on 8th June,1970, his caste was recorded as

"Jangam". The certificates from Serial No.12 to 16 were again in respect of the Petitioner's great grandfather, grandfather and father and all these certificates went to show that they belong to the cast "Jangam". It is well settled that "Jangam" caste is not listed in the Scheduled Caste, as per the Presidential order even after the area restriction was removed and "Beda Jangam" or "Buduga Jangam" cannot be treated to be a sub-caste of the caste "Jangam". The entries in the Presidential order will have to be read without any additions or substractions or prefix or suffix, as has been settled by the Constitution Bench in the case of **State of Maharashtra Vs. Milind and Others, 2001(1) SCC 4**. We therefore, do not find any fault with the view taken by the Scrutiny Committee in the impugned decision and the Committee was right in holding that the Petitioner belongs to the caste "Jangam" and not "Beda Jangam".

4. The Petition therefore rejected summarily.

(NARESH H.PATIL,J.) **(B.H.MARLAPALLE,J.)**